

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA

DIANE BALES, Special Administrator of)	CASE NO. 4:08cv3072
the Estate of EDWARD FREDENBURG,)	
Deceased,)	
)	
Plaintiff,)	
)	
v.)	DEFENDANTS' MOTION TO DISMISS
)	THE ACTION OR IN THE
ARBOR MANOR, SSC FREMONT)	ALTERNATIVE TO STAY THE ACTION
OPERATING COMPANY, LLC., d/b/a)	AND COMPEL ARBITRATION
ARBOR MANOR,)	
)	
Defendants.)	

COME NOW the Defendants, Arbor Manor and SSC Fremont Operating Company, LLC, d/b/a Arbor Manor, pursuant to 9 U.S.C. § 2, et seq. as interpreted by *Kalinski v. Robert W. Baird & Co., Inc.*, 184 F.Supp.2d 944 (D.Neb. 2002)(citing *Barker v. Golf U.S.A., Inc.*, 154 F.3d 788 (8th Cir. 1998)), by and through their attorney, and hereby move this Court to dismiss the Plaintiff's action, based upon the attached Arbitration Agreement between the parties marked as Exhibit A and incorporate herein. Defendants' Brief in Support of the Motion to Dismiss the Action or in the Alternative to Stay the Action and Compel Arbitration is filed contemporaneously with the Motion.

DATED this 11th day of April, 2008.

ARBOR MANOR, SSC FREMONT
OPERATING COMPANY, LLC, d/b/a ARBOR
MANOR, DEFENDANTS

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CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2008, I electronically filed the foregoing
**Defendants' Motion to Dismiss the Action or in the alternative to Stay the Action
and Compel Arbitration** with the Clerk of the Court using the CM/ECF system which
sent notification of such filing to the following:

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